

STEVEN G. KALAR
Federal Public Defender
SEVERA KEITH
Assistant Federal Public Defender
55 South Market Street, Suite 820
San Jose, CA 95113
Telephone: (408) 291-7753
Email: Severa_Keith@fd.org
Counsel for Defendant HIMAN

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR-20-372-LHK
)	
Plaintiff,)	STIPULATION TO CONTINUE
)	SENTENCING HEARING; [PROPOSED]
v.)	ORDER
)	
NICHOLAS HIMAN,)	
)	
Defendant.)	
_____)	

It is hereby stipulated, by and between counsel for the United States and counsel for the defendant Nicholas Himan, that the Change of Plea Hearing, currently set on December 16, 2020, be continued, and that the matter be set for a combined Change of Plea and Sentencing on April 7, 2021.

The reason for this request is that the defense continues to investigate the case, including factors related to sentencing and mitigation.

Accordingly, the parties hereby stipulate that the time from December 16, 2020 through April 7, 2021, should be excluded from the period of time within which the defendant's trial must commence pursuant to the Speedy Trial Act, in order to allow counsel sufficient time to effectively prepare, taking into account the exercise of due diligence. Furthermore, the parties stipulate that the ends of justice served by granting the request outweigh the best interests of the

1 Public and the defendant in a speedy trial. This exclusion is necessary to allow for the effective
2 preparation of counsel. 18 U.S.C. § 3161(h)(7)(B)(iv).

3 The undersigned Assistant Federal Public Defender certifies that she has obtained
4 approval from counsel for the government to file this stipulation and proposed order.

5 IT IS SO STIPULATED.

6 STEVEN G. KALAR
7 Federal Public Defender

8 Dated: December 8, 2020

9 /s/ _____
10 Severa Keith
11 Assistant Federal Public Defender

12 DAVID L. ANDERSON
13 United States Attorney

14 Dated: December 8, 2020

15 /s/ _____
16 Daniel Pastor
17 Assistant United States Attorney

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[PROPOSED] **ORDER**

Based upon the the stipulation of the parties and for good cause shown, IT IS HEREBY ORDERED that the Change of Plea hearing in this matter scheduled for December 16, 2020 shall be continued, and that this matter will be set for a Combined Change of Plea and Sentencing Hearing on April 7, 2021.

Based upon the stipulation of the parties, and the facts stated above, the Court finds that the exclusion of time from December 16, 2020 through April 7, 2021 is warranted and that the ends of justice served by the exclusion of time outweigh the best interests of the public and the defendant in a speedy trial. 18 U.S.C. §§ 3161(h)(7)(A). The failure to grant the requested continuance would deny defendant the effective preparation of counsel, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

IT IS HEREBY ORDERED THAT the time from December 16, 2020 through April 7, 2021, shall be excluded from calculation under the Speedy Trial Act.

Dated _____, 2020

HON. LUCY H. KOH
United States District Judge